

IN DISTRICT COURT

\_\_\_\_\_ JUDICIAL DISTRICT

ANSWER BRIEF TO MOTION FOR

*[Briefly explain why you are answering the motion. This is generally a short paragraph.]*

NDLSHC

### STATEMENT OF FACTS

*[List your version of the facts. List only the facts that are relevant to your answer.]*

### LAW AND ARGUMENT

*[Respond to each argument in the moving party's Brief. Explain how each law, case law, or court rule supports your argument. Apply the law, case law, or court rule to the facts you listed in the Statement of Facts. If you identified laws, case laws, or court rules that do not support your argument, explain why the court rule, law or case law does not apply.]*

CONCLUSION

*[Summarize your answer and what you want the Court to do. This is generally a short paragraph.]*

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Email Address

## INSTRUCTIONS FOR ANSWER BRIEF TO MOTION FORM

**ND Legal Self Help Center Staff and Court employees cannot help you fill out forms. If you are unsure how to proceed, you should consult a lawyer.**

**There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. Use at your own risk.**

**Do not include these instruction sheets when you serve or file your completed Answer Brief.**

**The “Motion” Section of the [GUIDE TO A CIVIL ACTION](#) on the ND Legal Self Help Center website has additional information and resources.**

An Answer Brief to a motion is your required written response to the motion made by the moving party. (You are the opposing party to the motion.) Your Answer Brief responds to the facts and arguments in the Brief in support of the motion.

An Answer Brief takes the rules and laws that support your response to the moving party’s request and explains how your version of the facts applies to the situation that led to the motion. Facts referred to in the Answer Brief should also appear in your affidavit in support of your Answer Brief.

**Calculate the due date for your Answer Brief, Affidavit and supporting documents.** In general, the opposing party to the motion has 14 days after being served the motion to serve and file the answer brief, affidavit and other supporting documents. Review the laws and rules from the motion to determine if the timeframe to answer to motion is different.

**Research North Dakota court laws and rules.** Review the motion and brief in support of the motion carefully! A motion must include the legal authority that supports the motion request. Any motions to the court must refer to the laws, North Dakota Supreme Court case law, and court rules, or a combination of all three, upon which the motion is filed. The Brief in support of the motion explains how and why the law, case law, or court rule supports the moving party’s request.

Research the laws, North Dakota Supreme Court case law, and court rules the moving party used to make their arguments. Try to determine if the laws and rules stand for what the moving party says they do.

Conduct your own research to determine if there are other laws, North Dakota Supreme Court case law, and court rules that support your argument.

- ☐ The North Dakota Century Code is found online at <http://www.legis.nd.gov/general-information/north-dakota-century-code>. The Century Code contains the laws enacted by the North Dakota Legislature.

- ☐ North Dakota Supreme Court case law is found online at <http://www.ndcourts.gov/Search/Opinions.asp>. When the decision of a case is appealed from a North Dakota District Court to the North Dakota Supreme Court, the Supreme Court writes their opinion to explain how and why they interpreted the laws or rules to decide the case the way they did. The opinions are case law and are followed by North Dakota courts deciding later cases with similar facts and issues.
- ☐ North Dakota court rules are found online at <http://www.ndcourts.gov/Rules/>. Court rules govern how a dispute makes its way to court and how the dispute is conducted.

(The North Dakota Century Code, and North Dakota Supreme Court case law, and North Dakota court rules are also found in print in many North Dakota public and academic libraries.)

**This form is not a fillable form.** To create your legal document using this form, you have at least two options:

**Option One:** Print this form on 8 ½" x 11" paper and hand-write your Answer Brief. Your hand-writing must be easily readable. Black ink is preferred.

**Option Two:** Copy and paste the Answer Brief to Motion sections into a word processing program, for example, Microsoft Word, WordPerfect, Google Docs, or OpenOffice. Use this form and these instructions as your guide to format your legal document.

**Caption (Top of Form):**

- ☐ If you copied and pasted the Caption section into a word processing program, format your caption as close as you can to the Caption section of the form.
- ☐ Fill in the caption exactly as it appears in the summons for the civil action.
- ☐ Fill in the case number, if known. If the action has not been filed, the case number will be assigned by the clerk of court when the action is filed.
- ☐ Fill in the title of the type of motion you are answering.

**Paragraph Numbering:**

- ☐ Each paragraph of your written or typed Answer Brief must be numbered.

**Introduction:**

- ☐ Briefly explain why you are answering the motion. This is generally a short paragraph.

**Statement of Facts:**

- ☐ List your version of the facts. List only the facts that are relevant to your answer.
- ☐ These facts must also be included in your Affidavit in Support of the Answer. You will create a separate legal document as your Affidavit in Support of the Answer.

**Law and Argument:**

- ☐ Respond to each argument in the moving party's Brief in Support of Motion.
- ☐ From your legal research, explain how the law, case law, or court rule supports your argument.
- ☐ Apply each law, case law, or court rule to the facts you listed in your Statement of Facts.
- ☐ If you identified laws, case laws, or court rules that do not support your argument, explain why the court rule, law or case law does not apply.

**Conclusion:**

- ☐ Summarize your answer and what you want the Court to do. This is generally a short paragraph.

**Date and Signature:**

- ☐ The date and signature are at the end of your Answer Brief.
- ☐ If you copied and pasted the Signature section into a word processing program, format your signature section as close as you can to the Signature section of the form.
- ☐ If the party answering the motion is self-represented, the self-represented party must date and sign the Answer Brief.

If the party answering the motion is represented by a lawyer, the lawyer must date and sign the Answer Brief.

**WARNING:** By signing your name you are telling the Court that you are telling the truth and that you have a good faith reason for your requests. If you are not telling the truth, if you are misleading the Court, or if you are serving or filing this document for an improper purpose, the Court could find you in contempt or you may be prosecuted for perjury.

- ☐ Fill in the printed name, address and telephone number of the party (or lawyer) who signed the Answer Brief.

If you have a physical address and a mailing address, type or write both addresses using the lines provided, and the space next to the address lines.

Lawyers must also include an email address and their State Board of Law Examiners identification number.

### **Page Numbering:**

Each page of a document prepared for a civil action must be numbered.

- ☐ Number each page of the completed Answer Brief.
- ☐ The last page of the Answer Brief is the date and signature page.

### **Service:**

In general, copies of documents filed, or intended to be filed, with the Court must be provided to the other parties in the civil action. This is called service.

There are specific requirements for serving documents after a civil action has started. [Rule 5](#) of the North Dakota Rules of Civil Procedure gives the requirements for service after a civil action has started.

Proof of service is an important step in the legal process. The court will not act on papers filed with the court until proof of service is filed.

For information about service and proof of service in a civil action, go to the [Service](#) link on the ND Legal Self Help Center website.

**Do not include these instruction sheets when you serve or file your completed Answer Brief.**

*\*\*\*The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in the North Dakota courts. The information provided by the Center is not intended for legal advice but only a general guide to the court process. The Center cannot guarantee that all judges and courts will accept forms available through the Self Help Center. The Center is not responsible for any consequences that may result from the information provided. The information cannot replace the advice of competent legal counsel licensed in the state. Use at your own risk.\*\*\**